

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: WELLBUTRIN XL : CIVIL ACTION  
ANTITRUST LITIGATION :  
: NO. 08-2433 (indirect)

ORDER

AND NOW, this 30<sup>th</sup> day of July, 2009, upon consideration of the defendants' motions to dismiss the consolidated amended complaint (Docket Nos. 77 & 78), the plaintiffs' opposition and the defendants' replies thereto, IT IS HEREBY ORDERED that the defendants' motions are GRANTED in part and DENIED in part as outlined in the Court's Memorandum of Law signed on July 30, 2009.

The Court grants the defendants' motions to dismiss for lack of standing all claims arising in states where no named plaintiff is located and where no named plaintiff has members whose purchases of Wellbutrin XL it reimbursed. Named plaintiff Local 119 will be dismissed from this case for lack of standing to bring any of the surviving claims.

The Court grants the defendants' motions to dismiss the plaintiffs' claims arising under the antitrust law of Florida. Antitrust claims against Biovail shall proceed to the extent they rely on a theory of conspiracy or concerted action and are otherwise dismissed. The Court grants the defendants' motions with respect to claims arising under the consumer protection laws

of Illinois, Nevada, New York and Ohio. Because the plaintiffs' claim under Ohio law has been dismissed for failure to state a claim, plaintiff Local Union No. 5 is also dismissed from this case for lack of standing to bring any of the surviving claims. Finally, the Court grants the defendants' motions to dismiss the plaintiffs' claim of unjust enrichment.

The surviving claims are the plaintiffs' antitrust claims arising under the laws of California, Nevada, Tennessee and Wisconsin, and the plaintiffs' consumer protection claims arising under the laws of California and Florida.

BY THE COURT:

/s/Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.